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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,761	02/19/2004	Tatsuo Okuda	247595US3 CONT	2081
22850	7590	06/04/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			AGGARWAL, YOGESH K	
1940 DUKE STREET				
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			06/04/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<b>Office Action Summary</b>		<b>Application No.</b>	<b>Applicant(s)</b>
		10/780,761	OKUDA, TATSUO
<b>Examiner</b>		<b>Art Unit</b>	
	YOGESH K. AGGARWAL	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 06 February 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1,2,4-8,10-13 and 15-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-8,10-13,15,16-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 4-8, 10-13, 15 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-8, 10-13, 15 and 16-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Kohno (US Patent # 4,557,574) in view of Fellegara et al. (US Patent # 5,845,166).

**[Claim 1]**

Kohno et al. teaches a camera (figures 1 and 2), comprising a camera body (1), an optical system including a lens positioned on a first side of said camera body (lens 4); a flash device (8), said flash device secured to said camera body on the first side of said camera body and at a constant distance from said lens (See figure 2); and a cover device (cover 2) coupled to said camera body and configured to cover said lens and said flash device (see figure 1, col. 3 lines 36-45), said cover device including a cover member configured to cover and uncover said lens and said flash device by sliding within a range of said camera body in a vertical direction at the first side of said camera body (See figure 1, a vertical direction is being defined from left to right since the claims do not define a reference for the vertical direction). Kohno fails to teach a digital camera. However Fellegara teaches a digital camera (See A/D converter 118 in figure 6).

Therefore taking the combined teachings of Kohno and Fellegara, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a digital camera in order to have digital images that are easier to manipulate and easier to distribute over electronic media (e.g., the Internet or e-mail). Digital image data may be stored, processed, and/or reproduced with ease. The relative ease of handling and processing the digital image data produced by digital cameras allows users to readily enlarge, reduce, or otherwise modify the digital image data to create any of a wide range of photographic effects and styles.

[Claim 2]

Kohno teaches wherein said lens (4) is arranged at an upper edge of the first side of said camera body (See figure 2, wherein lens 4 is arranged at an upper edge of the first side of the camera body as defined by the vertical direction in claim 1).

[Claim 4]

Fellegara teaches wherein said cover device is configured to actuate a power switch to said digital camera when said cover device is moved from a closed position to an open position (col. 10 lines 7-17).

[Claim 5]

Fellegara teaches a display device (figure 5, display 36) positioned on a second side of said camera body, wherein said second side of said camera body is opposite to said first side of said camera body (col. 4 lines 35-38).

[Claims 6, 8, 10 and 11]

See Examiner's notes regarding rejection of claims 1, 2, 4 and 5 respectively.

[Claim 7]

Fellegara teaches wherein said lens cover is slidably actuated between an open position and closed position (figure 1 shows a closed position and figure 2 shows a lens cover slidably moved to an open position, col. 3 lines 44-50).

[Claims 12, 13, 15-16, 18]

These are method claims corresponding to apparatus claims 1, 2, 4 and 5 respectively. Therefore these claims have been analyzed and rejected based upon apparatus claims 1, 2, 4 and 5.

[Claims 17 and 19]

Kohno teaches in figure 2 wherein said lens and said flash device are horizontally arranged side by side or perpendicular to each other.

[Claim 20]

Fellegara teaches wherein said lens and flash is arranged at an upper edge of the first side of said camera body (See figure 2, wherein digital optical system 16 having lens 84 is part of the digital optical system 16 is arranged at an upper edge of the first side of the camera body).

#### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA  
May 26, 2008

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622

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